IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 16390 of 2004

Between:

K. Chandrasekhar S/o Varadaiah Chetty
Hindu Professional, R/o 209, Bazzar Street, Tirupathi
Chittoor District

..... PETITIONER

AND

1 The District Collector, Chittoor.
2 The Asst Commissioner of Endowments, Chittoor
3 The Revenue Divisional Officer, Chittoor
4 The Mandal Revenue Officer, Tirupathi Rural Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner in R.S. No. 46 of an extent of ac. 4.23 cents of land situated in Daminedu village Accounts (Old Chandragiri Taluk) New Tirupathi Rural Mandal, Chittoor District and declare the same as illegal, arbitrary, unconstitutional in violative of Articles 14, 21 and 300-A of Constitution of India and in violation of Principles of natural justice.

Counsel for the Petitioner:MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioner and learned Government Pelader for Revenue. Both the counsel have no objection for disposal of the writ petition at the stage of admission.

The petitioner, in whose favour ryotwari patta was granted under Section 11(a) of the Estate Abolition Act, 1948 in proceedings Sr.No.1/11(a)/83/CTR, dated 14-2-1983 over an extent of Acs.4.23 cents in R.S.No.46 of Deminedu village, Old Chandragiri Taluk, Chittoor District, filed the present writ petition complaining that the respondents are trying to interfere with the peaceful possession and enjoyment of his property without issuing any notice.

Once the ryotwari patta is granted in favour of the petitioner, he is entitled to cultivate the land over an extent for which, ryotwari patta was granted. Unless the said patta is cancelled, the respondents cannot interfere with the possession of the petitioner without following the due procedure that too without issuing any notice. Hence, the petitioner cannot be deprived of from the property, which he is entitled to under the ryotwari patta.

With the above observation, the Writ Petition is disposed of at the admission stage. No costs.

14th SEPTEMBER, 2004.

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To

1 The District Collector, Chittoor.
2 The Asst Commissioner of Endowments, Chittoor
3 The Revenue Divisional Officer, Chittoor
4 The Mandal Revenue Officer, Tirupathi Rural Chittoor District

5 Two C.Cs to the Government Pleader for Revenue,

High Court of A.P., Hyderabad (OUT)

6 Two C.D Copies